HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.1945 OF 2005

PETITIONER		Shri Gopalji Mandir Trust, Beladula, Through: Sarvarakara Mahant, Ramgopal Das Beladula, Raigarh (C.G.)
	versus	
RESPONDENTS	1.	State of Chhattisgarh, Through: Collector, Raigarh
	2.	Registrar Public Trust, Sub Divisional Office, Raigarh, (C.G.).
	3.	Municipal Corporation Raigarh, Through: Commissioner, Municipal Corporation Office, Raigarh (C.G.).

Present : Mr. Amit Sharma, learned counsel for the petitioner. Mr. Prashant Mishra, learned Addl. Advocate General, with Mr. Vivek Ranjan Tiwari, learned counsel for the respodnents.

ORAL ORDER

(Passed on 20th January, 2006)

In this writ petition the complaint of the petitioner – Trust is that some parts of its land comprising in Plot No.56, 57, 229 to 246 and 301 to 303 in Raigarh City has been used by the Municipal Corporation of Raigarh, the third respondent herein, for road widening purpose without acquiring the same either under the provisions of the Land Acquisition Act, 1894 or any other enabling statute. It is needless to state that if the land of the petitioner – Trust is required by the third respondent for any public purpose, it has to acquire the land by legal method and pay compensation to the owner of the land. In that view of the matter, the Court had issued

notice to the respondents. Mr. Prashant Mishra, learned Senior Counsel and Additional Advocate General, who also appeared for respondent No.3 apart from respondents 1 and 2, on instructions, submitted that it is true that a part of the above land belonging to the petitioner – Trust has been used for road widening purpose and the Trust will be paid appropriate compensation in accordance with law after measuring actual extent of land used and demarcating the same. The above undertaking is placed on record. In that view of the matter, I do not think it necessary to take any further steps in this writ petition. The writ petition is accordingly disposed of subject to the above undertaking of the second respondent. No costs.

Sd/-
Chief Justice